

UNITED STATES (/TOPIC/UNITED-STATES)

The NSA Has Revealed New Details About Its Exhaustive Search of Edward Snowden's Emails

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By Jason Leopold (/contributor/jason-leopold)

September 12, 2014 | 8:05 pm

Last year, the National Security Agency (NSA) reviewed all of Edward Snowden's available emails in addition to interviewing NSA employees and contractors in order to determine if he had ever raised concerns internally about the agency's vast surveillance programs.

According to documents the government filed in federal court Friday, NSA officials were unable to find any evidence Snowden ever had.

In a sworn declaration, David Sherman, the NSA's associate director for policy and records, said the agency launched a "comprehensive" investigation after journalists began to write about top-secret NSA spy programs upon obtaining documents Snowden leaked to them. The investigation included searches of any records where emails Snowden sent raising concerns about NSA programs "would be expected to be found within the agency." Sherman, who has worked for the NSA since 1985, is a "original classification authority," which means he can classify documents as "top-secret" and process, review, and redact records the agency releases in response to Freedom of Information Act (FOIA) requests.

In his declaration, Sherman detailed steps he said agency officials took to track down any emails Snowden wrote that contained evidence he'd raised concerns inside the agency. Sherman said the NSA searched sent, received, deleted emails from Snowden's account and emails "obtained by restoring back-up tapes." He noted that NSA officials reviewed written reports and notes from interviews with "NSA affiliates" with whom the agency spoke during its investigation.

Meet John Napier Tye, the US government's favorite new whistleblower. Read more here.

(<https://news.vice.com/article/meet-john-napier-tye-the-us-governments-ideal-new-whistleblower>)

"This includes affiliates who contacted the organization in response to a June 10, 2013 message to all Agency civilians, contractors, and military personnel with NSA email accounts asking anyone who had contact with Mr. Snowden to report those contacts to" the Associate Directorate for Security and Counterintelligence, which conducted its own, separate "exhaustive searches."

Still, the agency says it did not find any evidence that Snowden attempted to address his concerns internally — as he has said he did — before leaking the documents.

The NSA disclosed these new details about its investigation into Snowden in response to a FOIA lawsuit VICE News filed against the NSA earlier this year seeking copies of emails in which Snowden raised concerns about spy programs he believed were unconstitutional.

Sherman's declaration states:

As part of this investigation, the Agency collected and searched all of Mr. Snowden's email available on NSA's classified and unclassified system. This included sent, received, and deleted email, both in his inboxes still on the networks and email obtained by restoring back-up tapes from Agency networks. Multiple members of the Associate Directorate for Security and Counterintelligence read all of the collected email.

Additionally, given that organizational designators appear for each NSA sender and recipient for email transmitted on NSA's classified and unclassified systems, searches of Mr. Snowden's collected email also were done using the organizational designators for the offices most likely to have been recipients of any email written raising concerns about an NSA signals intelligence program.

Those offices included the NSA's Office of General Counsel, the Office of the Comptroller, and the Signals Intelligence Directorate Office of Oversight and Compliance. Moreover, Sherman said, the NSA tasked the Office of General Counsel, the Office of Inspector General, and the Office of the Director of Compliance to "search for communications to or from Mr. Snowden in which he may have raised concerns about NSA programs."

"The search did not identify any email written by Mr. Snowden in which he contacted Agency officials to raise concerns about NSA programs," Sherman wrote.

The government asked the judge to dismiss the FOIA case.

* * *

The email issue surfaced following an interview Snowden gave to NBC News last May, when Snowden said that before he leaked documents to journalists Glenn Greenwald, Barton Gellman, and Laura Poitras, he first raised concerns through "internal channels" and was told "more or less" to "stop asking questions." Lawmakers, intelligence officials, and even some journalists had previously pilloried Snowden for not first approaching NSA officials and members of congressional oversight committees about the surveillance programs that caused him concern.

The NSA's response to Snowden's claims was swift. The agency publicly released a single email Snowden sent to the NSA's general counsel in April 2013 in which he raised a question about NSA legal authorities in training materials.

"I actually did go through channels, and that is documented," Snowden told NBC News's Brian Williams during the interview in Moscow. "The NSA has records, they have copies of emails right now to their Office of General Counsel, to their oversight and compliance folks, from me raising concerns about the NSA's interpretations of its legal authorities."

The NSA's response to Snowden's claims was swift. The agency publicly released (<http://www.nbcnews.com/feature/edward-snowden-interview/nsa-officials-snowden-emailed-question-not-concern-n118011>) a single email Snowden sent to the NSA's general counsel in April 2013 in which he raised a question about NSA legal authorities in training materials.

"The email... poses a question about the relative authority of laws and executive orders — it does not register concerns about NSA's intelligence activities, as was suggested by Snowden in an NBC interview this week," said Senator Dianne Feinstein, the chairwoman of the Senate Intelligence Committee, after a copy of the email was turned over to the committee last April.

Snowden, who the government's court documents say worked on contract for the NSA Threat Operations Center, fired back at the NSA (<http://www.nbcnews.com/feature/edward-snowden-interview/snowden-strikes-back-nsa-emails-nbc-news-n118821>) in a lengthy statement that called into question the agency's search:

Today's release is incomplete, and does not include my correspondence with the Signals Intelligence Directorate's Office of Compliance, which believed that a classified executive order could take precedence over an act of Congress, contradicting what was just published. It also did not include concerns about how indefensible collection activities —

such as breaking into the back-haul communications of major US Internet companies — are sometimes concealed under [Executive Order] 12333 to avoid Congressional reporting requirements and regulations.

If the White House is interested in the whole truth, rather than the NSA's clearly tailored and incomplete leak today for a political advantage, it will require the NSA to ask my former colleagues, management, and the senior leadership team about whether I, at any time, raised concerns about the NSA's improper and at times unconstitutional surveillance activities. It will not take long to receive an answer....

According to Sherman, the Signals Intelligence Directorate's compliance office was searched and Snowden's colleagues searched their own email accounts as well. The communications Snowden claims he sent did not turn up.

Sherman described the type of search the agency conducted to locate the emails Snowden says he sent. The NSA's search of its own emails is limited to "person by person (<http://www.propublica.org/article/nsa-says-it-cant-search-own-emails>)" as opposed to bulk searches, the agency said in response to a FOIA request filed by ProPublica last year.

As Sherman said in his declaration:

Using an email alias (i.e., a group email address that sends messages to all Office of General Counsel personnel), the Office of General Counsel tasked its personnel to do a search of their individual email for email to or from Mr. Snowden in which he may have raised concerns about NSA programs. The Office of Inspector General conducted an advanced search of its Inspector General Management Information System (IGMIS), using the phrase 'Snowden' as a search in the 'Contact Last Name' field.... This system documents complaints and grievances filed with the Agency's Office of Inspector General. The Office of the Director of Compliance tasked its personnel to search official email, web-based contacts, and correspondence for any evidence that Mr. Snowden contacted the personnel or the Office of Director of Compliance 'for any reason.'

The NSA official said no emails that fit this description were located. Sherman said additional searches were conducted in Hawaii, where Snowden last worked. A search was also done at the Threat Operations Center, Snowden's division, for any emails he forwarded in which he raised concerns.

"If there was any email written by Mr. Snowden to raise concerns about NSA programs, that email most likely would have been located in Mr. Snowden's inbox, which includes sent email, or in his email restored from backup tapes. No such email was found," Sherman's declaration says. "The NSA searched everywhere such an email would reasonably be expected to be found, if it existed, including the account from which it would have been sent and back-ups of that account, as well as offices to which such an email could be expected to have gone."

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(<https://news.vice.com/article/the-cia-just-admitted-that-it-spied-on-the-us-senate>)

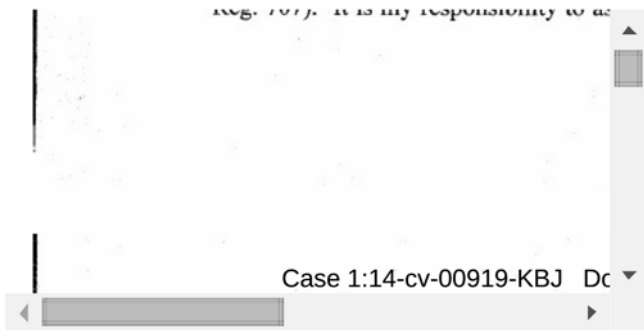
Ben Wizner, Snowden's attorney at the American Civil Liberties Union, told VICE News he has not had in-depth discussions with Snowden about the emails his client says he sent, and therefore cannot respond to the government's claims. Wizner said the issue of Snowden's emails is "somewhat of a red herring" since "Snowden witnessed an entire regime of surveillance and what was needed was not for higher-ups to be aware of his concerns, but for the public to be brought into the conversation."

Wizner said he believes there is evidence to be found backing up Snowden's claims. But he added:

"Where it is, I don't know."

Follow Jason Leopold on Twitter: @JasonLeopold (<https://twitter.com/JasonLeopold>)

UPDATE — September 15, 2014: This story has been changed to reflect that while the NSA cannot perform bulk email searches of multiple email accounts, it can search individual accounts.



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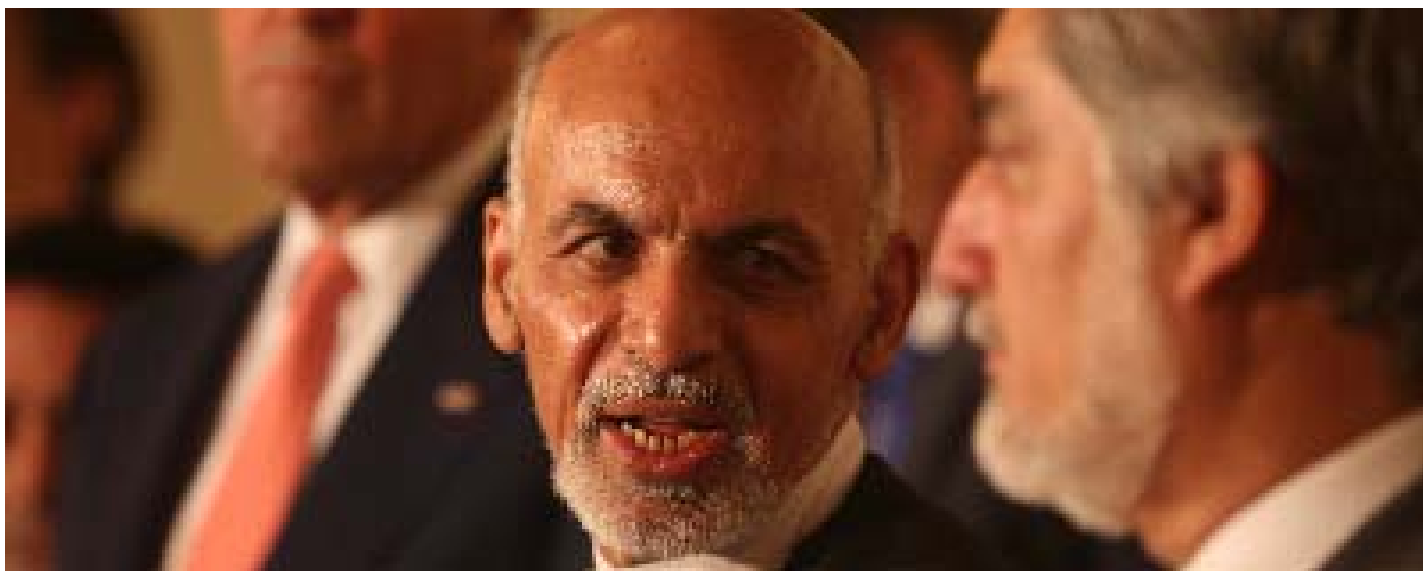
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derAlteBear • 9 days ago

I'm completely shocked, shocked I tell you, that they were unable to find emails which might tend to incriminate them.

21 ^ | ▾ • Reply • Share ›



ROBERT • 9 days ago

THE NSA LIED UNDER OATH TO CONGRESS. DO YOU REALLY THINK THEIR GOING TO TELL THE TRUTH ABOUT THIS

21 ^ | ▾ • Reply • Share ›



Stephen • 9 days ago

We all know about the Clapper perjury issue in front of Congress, and the Gen Alexander lies among others. This article reveals another lie. Previously NSA said they couldn't search emails. Now they say they can.

Question: With all the past lies and misinformation in the past, how can we know for certain when someone at the NSA does tell the truth?

17 ^ | ▾ • Reply • Share ›



Steve Cheney → Stephen • 9 days ago

I think it's safe to assume that they absolutely always are lying.

12 ^ | ▾ • Reply • Share ›



D Andrew → Steve Cheney • 8 days ago

Snowden worked for them so it's safe to assume he's a liar as well.

^ | ▾ • Reply • Share ›



CNN is an aborted fetus → D Andrew • 8 days ago

Given what he lost to make his statements I'm going to have to say the cost benefit analysis on that little logical chain you've got there is pretty shoddy.

Not to mention the international manhunt after him is sort of the smoking gun wouldnt you say?

7 ^ | ▾ • Reply • Share ›



Seedee Vee → D Andrew · 7 days ago

Snowden is a trained liar. Clapper and Alexander are still being paid to lie.

^ | v · Reply · Share ›



Perry de Havilland · 9 days ago

As Snowden has provided evidence to back up his revelations of NSA activities, I am generally inclined to believe him. As the NSA have consistently lied about almost everything, I am inclined never to believe them. Indeed at this stage there is really nothing they can say that would make me believe anything as I view them as **intrinsically** untrustworthy. A bit like the IRS in that respect in fact.

Plus as Snowden says, this issue is utterly trivial as it changes nothing whatsoever about the revelations pertaining to the NSA, because Snowden himself is not the issue, the out of control security state is. It may be interesting to know what he did, but it is actually not at all important.

16 ^ | v · Reply · Share ›



Steve Cheney → Perry de Havilland · 9 days ago

Yeah, by reducing the issue to personalities, the NSA more or less confirm that everything said about them is either true, or at least close enough. No one attacks people when they have huge amounts of evidence that those people are wrong.

4 ^ | v · Reply · Share ›



Perry de Havilland → Steve Cheney · 9 days ago

Very true, they **have** to play the man because they want to make this about Snowden and not about the NSA.

3 ^ | v · Reply · Share ›



Stephen → Perry de Havilland · 9 days ago

Well said, well put.

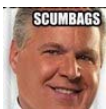
^ | v · Reply · Share ›



Noy Hadar · 9 days ago

You mean he had the insight to know that sounding the alarm internally would be a dead end from the start? Shocker!

5 ^ | v · Reply · Share ›



Wilson Valdez III · 10 days ago

It's amazing how quickly Snowden (and his 'team') backed away from the "I have proof that I raised concerns through the appropriate channels" to "It's not important; it's a red herring, anyway". You would think having stolen thousands/millions of documents, he'd be easily able to produce proof.

At what point do people stop just blindly trusting everything Snowden claims?

18 ^ | v · Reply · Share ›



Adrian Brohma

At what point then, do you believe sir, that our government does deserve to be undoubtedly trusted, without question? Questions and confirmations are the heart of a true democracy, checks and balances. I dare say, that if you see it as otherwise to contradict the above statement, then you sir, deserve to be indefinitely detained as a terrorist. The NDAA will blanket that fact in a court of law with a citizen filled jury of peers. Find me the trillions lost of tax payer dollars and then you shall be expunged of your negligent words. Until you are able to do so, you too are an ignorant puppet and naive citizen.

32 ^ | v • Reply • Share >



George P.

Why would US government ever lie to anyone, especially its own citizens? Wouldn't that violate the core principles that the Founding Fathers have envisioned? Wouldn't it be undemocratic? I thought that only the scumbag commies were capable of lying to their own people and brainwashing them with propaganda in order to maintain their grip on power!

18 ^ | v • Reply • Share >



Adrian Brohma → George P. • 9 days ago

George, your ideals are patriotic and well stanced. However, your blind trust is far from what our forefathers asked of you. Know this, in a capitalistic society there are but two things to strive for, money and power. The latter comes with a hideous lack of oversight and moral decay. That was a blanket comment, but when we bring Trillions of printed dollars into the mix, fiat currency and debt to those who are citizens, how can one trust in a regime - no matter the party of the binarchy you side with btw - to actually be held accountable for how it is appropriated, deligated, and distributed when there is no transparency in the distribution of the funds? If that was the case, as it indeed is thanks to matters of "national security", and you hold a bit of a tax payer pocket book, who's to stop the unelected and "legally appointed" from corporate lobbyist temptation in order to set generations of their families well being? This is the true state of the union, and the unfortunate state of our Nation.

7 ^ | v • Reply • Share >



George P.

Thank you, Adrian, for the translation of my Sarcastic into English and for the demonstration of how blind patriotism can lead to the degradation of the ideals one is so patriotic of.

18 ^ | v • Reply • Share >



Adrian Brohma → George P. • 9 days ago

;) Your sarcasm was blindly ignored by my rant. My apologies, I was still enraged from the lead comment and it goes to show that I should have more patience in listening myself

more patience in listening myself.

9 ^ | v • Reply • Share >



Phil Perspective

Why would anyone trust the CIA or NSA? Why would they want to turn over any emails Snowden may have wrote? They wouldn't because it would give the NSA a big black eye. I don't think WVIII even read this article. The NSA admitted they lied previously, or are lying now.

10 ^ | v • Reply • Share >



Wilson Valdez III

I certainly read it. The NSA has clearly stated they have no record of him doing what he said. Believe them or not, surely Ed should be able to prove them wrong.

But I get it..nothing will change your mind. Government=always lying, Snowden=Always truthful...evidence (or lack of) is irrelevant.

6 ^ | v • Reply • Share >



wirelesswithoutawire

Why do you even care if Snowden went through government channels or not? Our government says he is illegally exposing their illegal activities. But, Snowden is at fault because he didn't go to the people who are illegally infringing on our rights to complain before exposing the truth. Therefore, Snowden is a bad lying person for not trusting the very people who are corrupt in the first place. People like you never cease to amaze me.

17 ^ | v • Reply • Share >



Seedee Vee

"surely Ed should be able to prove them wrong"

He already has - over and over and over.

2 ^ | v • Reply • Share >



jakesdad

um, considering Clapper & Alexander have both been caught perjuring themselves before congress & pretty much ALL of Snowden's specific allegations were initially denied before being confirmed I'm not sure it's the Snowden supporters who are ignoring evidence...

2 ^ | v • Reply • Share >



malkman

Evidence is irrelevant? What baloney. As if the government hasn't shown themselves to always be lying. As if Snowden has any reason to be lying.

2 ^ | v • Reply • Share >



Steve Cheney

The NSA and the CIA ≠ the government.

1 ^ | v • Reply • Share ›



Adrian Brohma

I wish more people knew the extent of the NSA's grip. Every POP, or point of presence in the Telcom world, is compromised. For anyone reading this POP's are the little brick buildings, normally gated, within neighborhoods, subdivisions, and county's which house switches and tech devices for the local carriers. All of these eventually feed into a fiber network and the packets transferred are monitored and collected by the NSA. And others of course. But on the tax payers dime. It's sickening.

2 ^ | v • Reply • Share ›



Wilson Valdez III

Wow...that was a nice mouthful of nonsense.. I am not at all of the belief that the gov deserves to be blindly trusted. However, I find it quite hypocritical that Snowden is expecting the exact same of him, in this particular instance. He took thousands of documents; logic would dictate that among them, he would take his own exonerating emails.

The NSA has gone on record stating they have no contacts of the such. I am not taking their word as 100% fact; but we're expected to just take Snowden at 100% fact, despite him providing no proof, despite him taking volumes and volumes of 'proof' otherwise.

7 ^ | v • Reply • Share ›



Adrian Brohma

FYI, it's not Snowden that we are taking the word of, it's the classified documents that he released to the foreign media because ours cannot be trusted. The media channels he selected have been discerning in their release of the uncontested documents they release ensuring that no one is particularly named, ousted, put in harms way or jeopardized. I do trust him more than anyone appointed by a government baeurocrat accepting lobbyist funding. Who wouldn't? The guy gave up his freedom so that we have a chance to preserve ours. And don't give me the media / government line that he should come back and stand trial, because he will not get one. He comes back and he's thrown in a hole for an indefinite period of time. No justice, just unconstitutional executive action. You seem intelligent William, why would you perpetuate this war on terror nonsense? Stock in Harris Corporation? Ratheon? It's not worth your freedom or mine.

5 ^ | v • Reply • Share ›



Seedee Vee



"it will require the NSA to ask my former colleagues, management, and the senior leadership team about whether I, at any time, raised concerns about the NSA's improper and at times unconstitutional surveillance activities."

Nowhere in THAT STATEMENT does Snowden mention "e-mails".

Who the fuck is paying you to toady for the corrupt authoritarians in Government?

1 ^ | v • Reply • Share ›



ToyotaBedZRock

I cannot locate the statement you claim he made in this article. Or maybe my browser is about as adapt at searching as the NSA is with its own email.

^ | v • Reply • Share ›



Letusdecide

When their government gives them a reason not to...

^ | v • Reply • Share ›



Alexandre

When they stop lying, not to lie. Never!

^ | v • Reply • Share ›



Ian Grant • 9 days ago

Assuming the N.S.A.'s claims are even true, it's awfully hard to trust an agency that a) denied its existence long before Snowden's revelations, and b) has egregiously invaded the privacy of millions of people the world over. What's that saying? Oh yes, I remember now: "Don't believe anything until it's been officially denied!"

4 ^ | v • Reply • Share ›



Guest • 8 days ago

Note they're not saying the e-mails don't exist, just that they couldn't find any. So if such e-mails turn up later through whatever means, they can simply just re-state they weren't able to find it.

2 ^ | v • Reply • Share ›



O_day • 9 days ago

Comrade S also proclaimed that he has given no stolen info to the Chinese or Russians. LOL

2 ^ | v • Reply • Share ›



mynamehear • 8 days ago

In a related story Exxon still has not found a relationship between fossil fuels and climate change.

Why would Vice even publish this story much less make it a headliner?

2 ^ | v • Reply • Share ›



Peter · 8 days ago

They know they're lying, we know they're lying, they're lying anyway - so is state of things right now.

1 ^ | v · Reply · Share ›



brm · 9 days ago

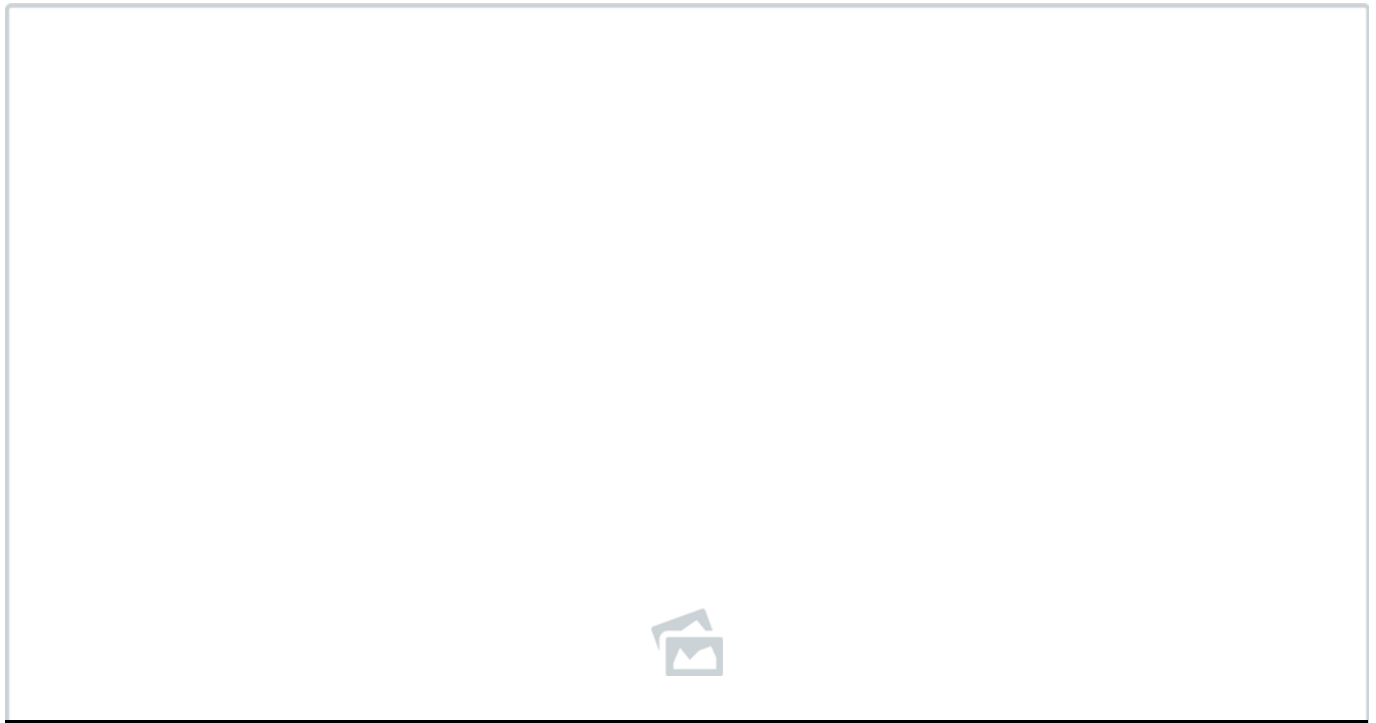
Snowden's revelations about the NSA are so beyond the pale that the idea of using 'internal channels' just seems ridiculous. His attorney is right, this had to be made public.

1 ^ | v · Reply · Share ›



Dominique Hérbert · 9 days ago

<http://i.imgur.com/481eEIS.png>



see more

1 ^ | v · Reply · Share ›



Letusdecide → Erik · 9 days ago

That's two eyes too many...but wonderful, still.

^ | v · Reply · Share ›



Erik · 9 days ago

why is this guy still relevant?

1 ^ | v · Reply · Share ›



Letusdecide → Erik · 9 days ago

...because the issue is ongoing? The importance was never Snowden anyway, it was/is the NSA's subversion of the U.S. Constitution.

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sikandar → Letusdecide · 9 days ago

What issue? No really what did Snowden say that we already didn't know? Stop being sheep and go change your government, you would be doing the rest of the

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